

## REMARKS

The Examiner stated that the applicant did not file an offer to surrender the original patent. This is incorrect. Applicants enclose herewith a copy of the offer to surrender, filed with the reissue application.

Applicants also enclose the revised reissue declaration, which was inadvertently omitted from the February 27, 2001 Amendment. Applicants apologize for this oversight.

Applicants traverse the rejection of claims 17-164 as improper recapture. Reciting an antenna is not recapture. This claim scope was not surrendered in the prosecution of the original patent for the same reasons set forth in the February 27, 2001 Amendment. Notwithstanding this fact, and solely to move this application forward, applicants have amended the claims to recite a "planar spiral coil" in lieu of an antenna. Support for this language can be found, e.g., in Fig. 6.

Applicants traverse the rejection of claims 120-121, 128-129, and 135-136 under § 102(e) over Cuomo, and the rejection of claims 85-87, 92-93 and 99 under § 103 over Cuomo. Applicants also traverse the rejection of claims 88-89, 119, 122, and 164 under § 103 over Cuomo in view of Benzing, claims 90 and 126 over Cuomo in view of Ogle, and claims 94-98 and 130-134 over Cuomo in view of Itoh.

The claims relate to a plasma processing apparatus. The apparatus includes, as set forth, e.g., in claim 17, in combination a container, a partition plate defining a process portion and an auxiliary portion and having a dielectric window plate, a main exhaust pump for setting the process portion to a vacuum, a work table in a process position facing the window, a main gas supply, a planar spiral coil for generating an em

field between the window and a substrate supported on the table, to induce generation of the plasma, a power supply, an auxiliary exhaust pump and a pressure controller for setting the  $\Delta p$  between the process and auxiliary portions at a minimum value. As described in the attached Rule 131 declaration of Kiichi Hama, persons of ordinary skill in the art recognize that using a planar spiral coil in the recited combination of elements would produce surprising results, namely; (1) an improved etching uniformity; (2) a higher etching rate; (3) a lower impedance due to the absence of conflicting magnetic fields; and (4) an absence of reversed current flow, all of which result in improved plasma field over a plasma process apparatus having a three-dimensional coil. Cuomo, in contrast, discloses a three-dimensional coil, which cannot yield the above-described surprising benefits of a planar spiral coil. Cuomo also lacks any suggestion or motivation to replace the 3-D coil with a planar spiral coil. The secondary references also do not suggest or provide any motivation to modify the structure of Cuomo to include a planar spiral coil. For these reasons, Cuomo, standing alone, can neither anticipate the claims under § 102 nor suggest the claims under § 103, and there is no motivation to combine any of the secondary references with Cuomo in order to suggest the claims under § 103.

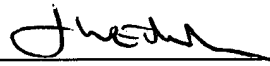
The Examiner also rejected claims 1-164 on the basis of obviousness-type double patenting over U.S. Patent 5,525,159. Applicants are filing herewith a terminal disclaimer, rendering this rejection moot.

In view of the above amendments and remarks, applicants request reconsideration, withdrawal of the rejections, and allowance of the claims.

If there are any fees due in connection with the filing of this Amendment, please charge them to our Deposit Account No. 06-0916.

Respectfully submitted,

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